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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE WILLIAM Q. HAYES)

UNITED STATES OF AMERICA,) Case No. 08CR1003-WQH
Plaintiff,) DATE: July 24, 2008
v.) TIME: 9:30 A.M.
LUIS GOMEZ,) REPLY TO GOVERNMENT'S RESPONSE TO
Defendant.) DEFENSE'S MOTIONS *IN LIMINE*

I.

BACKGROUND

On July 08, 2008, Mr. Gomez filed his motions *in limine*. See Clerk's Docket Sheet at 31-34. On July, 25, 2008, the government filed their response in opposition. See *id.* at 38.

This reply follows.

II.

BACKGROUND CONCERNING MR. GOMEZ'S ARKANSAS PRIOR CONVICTION

In 2006 Mr. Gomez was working and living in Arkansas. He had a fourteen years old girlfriend. The girl's mother reported the relationship to local authorities, and Mr. Gomez was arrested. The girl was questioned by police. She repeatedly stated that the relationship was consensual, and that there was never any pressure. See Transcript of Interview of Anabel Garza. (Attached as Exhibit A). Mr. Gomez-Dominguez said the same, during his own questioning. See Interview of Luis Gomez (Attached as Exhibit B). He did

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1 plead guilty to violating Arkansas 5-14-110 (sexual indecency with a child), and received a four-month
2 sentence. He was then deported through Texas.

III.

**THE COURT SHOULD ALLOW MR. GOMEZ TO
ACCURATELY DESCRIBE THE ARKANSAS OFFENSE**

At page 4 of their response, the government argues that his alleged Arkansas conviction should be presented to the Jury if Mr. Gomez testifies. See Gov't. Memo. at 4. Though it does offer to sanitize the conviction if the Court believes the nature of the offense is too prejudicial. See id. However, sanitization would put Mr. Gomez in a worse position. Now to be clear, Mr. Gomez still believes that the Arkansas conviction does not undermine his credibility and is irrelevant and therefore should not be conveyed to the jury. And the mention of any felony conviction is too prejudicial, especially considering Mr. Gomez's immigration status. However, if the Court does allow the government to present Mr. Gomez's Arkansas conviction, then he requests the ability to present all the facts surrounding that conviction, lest the Jury be left with inaccurate impression of what occurred. That is, after all the facts are known, it is rather apparent that Mr. Gomez's alleged actions are not even close to as bad as what a Jury would think if they heard "felony conviction."

Respectfully submitted,

DATED: July 23, 2008

S/Erick Guzman
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CERTIFICATE OF SERVICE

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served this day upon:

Anne Kristina Perry
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Respectfully submitted,

DATED: July 23, 2008

/s/ Erick L. Guzman
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